

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Peter K. Kassab

Application No.: 09/901,472

Filed: July 9, 2001

For: Vinyl Film Intermediary



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) Examiner: Steven D. Maki

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) Group Art Unit: 1733  
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**DECLARATION OF PETER K. KASSAB PURSUANT TO 37 C.F.R. § 1.132**

I, Peter K. Kassab, hereby declare as follows:

1. I am the sole inventor of the present application.
2. Just like many other car owners, I have often had to adhere windshield stickers to my car, such as recreational park passes, parking garage stickers, affiliation stickers, event parking stickers, temporary permit stickers, etc. Upon using the stickers, I recognized a problem when attempting to remove the stickers from my vehicle's windshield. The adhesive used was extremely strong, making removal quite difficult and making it virtually impossible to remove and re-use a sticker on a new or different car. Additionally, attempts to remove these stickers with razor blades caused damage to my windshield and defroster strips. Thus, through much experimentation, I developed the present invention to solve problems associated with the use of such stickers and to provide advantages that were not yet available before my invention.
3. I have reviewed the pending office action and prior art cited by the Examiner.
4. I initially developed the first aspect of the invention in the form of a static-cling intermediary layer that is designed to be disposed between a windshield sticker and the vehicle windshield. I later developed another aspect of the invention wherein an intermediary layer included a low-tack adhesive.

5. The first designs of my invention did not include trimming the intermediary layer such as the film layer of the present invention. It was not until I experimented and did extensive testing with different types of film and different types of receiving surfaces that I recognized the benefits of trimming the film. After such experimentation, I then developed a trimming aspect, which is one aspect of my present invention. Trimming the film layer defines peripheral edges of the vinyl film that are in registry with the peripheral edges of the sticker, making the film virtually undetectable and providing many additional benefits. Additionally, in one form of my invention, the protective layer used with the film is also trimmed before its removal from the sticker assembly, which provides benefits such as easier trimming due to the stiffness of the protective layer on the otherwise more floppy film. Additionally, trimming while keeping the protective layer on allows one to carry around or store the prepared sticker assembly without risk of dirt, lint or hand oils getting on the low-tack adhesive before applying it to the glass.

6. I also became aware of "temporary permit stickers" that utilized spaced strips of permanent adhesive. Through additional experimentation, I developed another aspect of the invention that utilizes cutting or trimming strips of the film layer to coincide with the spaced strips of adhesive.

7. I have reviewed the office action and the patents relied upon by the Examiner, including the German '696 patent and the patent to Courtney. As one skilled in the art, the trimming aspect of my invention is not obvious in view of these patents. The German '696 patent makes no mention of trimming, but instead, teaches a "one size fits all" configuration that could be used with most stickers. Courtney is directed to a bumper sticker method and does not even apply to windshield stickers. Thus, as one skilled in the art, I would not be motivated to combine the teachings of these patents. Furthermore, neither German '696 or Courtney refer to the use of strips of vinyl film as claimed in one of the embodiments of my invention. Thus, as one skilled in the art, these patents, as well as the other cited patents, would not teach me how to use strips of vinyl film as in the one embodiment of my invention. Accordingly, as one skilled in the art, I do not find that the German '696 patent and the Courtney patent, as well any of the

other cited patents, render as obvious, the claims of my application that include the trimming element and the strips of film.

8. This conclusion is further supported by my experiences in marketing the product embodying my invention. Over time, I have had an opportunity to witness and otherwise review many uses of my invention. I have often seen users who use my film intermediary with their stickers and who do not trim the vinyl film so that the peripheral edges of the film are essentially in registry with the peripheral edges of the windshield sticker. In these uses, edges of the film extend beyond the edges of the sticker. I have also seen other users remove the protective layer before applying their sticker to the vinyl film, which makes both the application and any attempts to trim the film much more difficult. This occurs notwithstanding the specific instructions I place on the packaging for the product that describe both the protective layer and the trimming step. I have also fielded numerous questions from customers and commercial entities requiring me to often explain the trimming step and its benefits. One such example involved a commercial products catalog company. Despite being experts on describing and creating published layouts for problem solving products, this specific catalog created, published and distributed a national layout showing the use of my product without trimming the film to the peripheral edges of the sticker that it was demonstrated with. Once again, this occurred despite the specific product instructions and the product collateral material that explain the trimming step and its benefits.

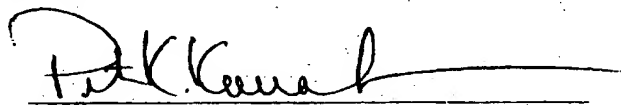
9. Based on my experience from my early developments with the invention along with my skill in the art, seeing how others use my product embodying my invention, and the questions I have fielded from customers, retailers, manufacturers representatives, etc., it is apparent to me that the trimming step is not a generally known aspect.

10. My product has been well-received in the marketplace with sales both nationally and internationally. The favorable acceptance of the invention is further indicated by the fact that sales of my product have continued to increase dramatically year after year. For example, in 2004 to date, over 100,000 units of the product have been sold. This level of sales represents a very successful and wide consumer acceptance of the product, which is believed to be the result of the superiority of the product and its associated methods.

11. Thus, the film intermediary, as is disclosed in this patent application, is considered to have a high degree of commercial success, is widely accepted, and believed to be a welcomed improvement in the industry.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: OCTOBER 20, 2004

  
Peter K. Kassab